

Access 2014

Rhode Island General Assembly



Nellie M. Gorbea
Secretary of State



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Dear Rhode Islander:

Ensuring full transparency in government for all stakeholders and the general public is one of the Department of State's primary responsibilities. It is my belief that government can and must be effective, transparent and accountable to the people it serves in order to succeed.

Therefore, I am pleased to present the 2014 Access Report, which measures the General Assembly's compliance with the state's Open Meetings Act.

In 2014, the General Assembly held 522 meetings. The General Assembly's compliance with the Open Meetings Act saw an overall improvement from 93% in 2013 to 94% in 2014. Compliance by the House was 91%. Compliance by the Senate was 97%. A total of 31 committee meetings held in 2014 were in violation of the Open Meetings Act. All of the meeting violations occurred after the House and Senate suspended their rules on June 17, 2014.

The state's Open Meetings Act requires government bodies to inform the public at least 48 hours in advance of any meetings and provide an agenda for the meeting as part of said notice. By law, these notices are to be posted at the principal office of the public body holding the meeting, or if no principal office exists, at the building where the meeting is to be held, in at least one other prominent location within the governmental unit, and filed electronically with the Department of State.

Although the House and Senate are not subject to the Open Meetings Act, the Department of State monitors their efforts to keep the general public informed of their activities. Article VI, Section 7 of the Rhode Island Constitution allows each chamber to adopt its own rules of proceeding. The House and Senate Rules are adopted every two years and govern the manner in which these bodies operate. These rules are available in their entirety, online at www.sos.ri.gov. This publication includes the House and Senate Rules that address committee meeting notices.

The Department of State is a modern portal that connects Rhode Islanders and their government. As your Secretary of State, I am firmly committed to empowering a better-informed citizenry through easily accessible and well-organized information. Our goal is to make it easy for Rhode Islanders to become more engaged in making the decisions that impact their lives.

For more information on how the Department of State can help you stay connected, visit www.sos.ri.gov.

Sincerely,

A handwritten signature in black ink, reading "Nellie M. Gorbea". The signature is fluid and cursive, with the first name "Nellie" being the most prominent part.

Nellie M. Gorbea
Secretary of State



Glossary

Addition	An addition to a previously posted agenda, usually involving the inclusion of new bills to be heard.
Appointments	A meeting in which the committee considered executive appointments.
Letter = Letter of the Law	The Letter of the Law is an expression that denotes the strict interpretation of an ordinance, law or regulation. The law as it is written. Meeting notices that are posted less than 48 hours / 2 days before the date of the committee meeting violate the letter of the law. (Rhode Island General Laws 42-46-6.)
Notice	Each separate document posted by a standing or joint committee of the General Assembly. This includes additions and time/date/place changes, but not corrections or cancellations.
Organizational	The first meeting held by a committee to set up its procedures.
Spirit = Spirit of the Law	The Spirit of the Law is an expression that represents the law's general meaning or purpose as opposed to its literal content. Meeting notices that have more than one hearing date/time listed or give no specific hearing date or have unreasonably long agendas violate the spirit of the law.
Recess	A brief break in the legislative session during which committee business can be undertaken.
Revision	A revision made to a previously posted notice.
Rise	An expression used to indicate the end of the day when all the members stand to end the session.
Violations	Committee meeting notices that violate the letter and/or spirit of the law.

Methodology

Compliance Formula

The number of meetings held in violation by a committee was divided by the total number of meetings held by that committee, and that figure was then multiplied by 100 to get the percentage of meetings that were in violation. The percentage of meetings held in violation was then subtracted from 100% to get the percentage of meetings by the committee that were in compliance with the law. Here is an example: A committee held 25 meetings and 1 of those meetings was in violation. $1/25 = .04 \times 100 = 4\%$ of the meetings were in violation. 4% subtracted from $100\% = 96\%$ of the meetings were in compliance with the law.

Percentages and Grading

Compliance percentages are rounded to the nearest tenth of a percent.



House Standing Committees

House Corporations

25 Meetings. 2 Meetings in Violation. 38 Total Notices.

Grades	2014	2013
Letter of the Law:	92%	82%
Spirit of the Law:	100%	100%

Meetings in Violation

38 Total Notices. 2 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 18	3:30 P.M.	7 bills	Letter
June 20	2:45 P.M.	7 bills	Letter

House Environment and Natural Resources

13 Meetings. 1 Meeting in Violation. 23 Total Notices.

Grades	2014	2013
Letter of the Law:	92%	78%
Spirit of the Law:	100%	100%

Meetings in Violation

23 Total Notices. 1 Letter Violation. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 18	4:00 P.M.	3 bills	Letter



House Finance

77 Meetings. 6 Meetings in Violation. 127 Total Notices.

Grades	2014	2013
Letter of the Law:	92%	92%
Spirit of the Law:	100%	100%

Meetings in Violation

127 Total Notices. 12 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 18	1:00 P.M.	13 bills	Letter
June 18 (Addition I)	1:00 P.M.	14 bills	Letter
June 18 (Addition II)	1:00 P.M.	15 bills	Letter
June 19	3:00 P.M.	6 bills	Letter
June 19 (Addition I)	3:00 P.M.	8 bills	Letter
June 19 (Addition II)	3:00 P.M.	10 bills	Letter
June 20	2:00 P.M.	10 bills	Letter
June 20	3:15 P.M.	1 bill	Letter
June 20	4:00 P.M.	1 bill	Letter
June 20	Recess	2 bills	Letter
June 20 (Addition I)	Recess	2 bills	Letter
June 20 (Addition II)	Recess	5 bills	Letter

House Health, Education and Welfare

25 Meetings. 3 Meetings in Violation. 41 Total Notices.

Grades	2014	2013
Letter of the Law:	88%	87%
Spirit of the Law:	100%	100%

Meetings in Violation

41 Total Notices. 7 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 18	3:30 P.M.	4 bills	Letter
June 18 (Addition I)	3:30 P.M.	5 bills	Letter
June 18 (Addition II)	3:30 P.M.	6 bills	Letter
June 19	4:00 P.M.	1 bill	Letter
June 19 (Addition I)	4:00 P.M.	2 bills	Letter
June 20	2:45 P.M.	5 bills	Letter
June 20 (Addition I)	2:45 P.M.	7 bills	Letter



House Judiciary

34 Meetings. 4 Meetings in Violation. 71 Total Notices.

Grades	2014	2013
Letter of the Law:	88%	83%
Spirit of the Law:	100%	100%

Meetings in Violation

71 Total Notices. 10 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 18 (Addition I)	3:00 P.M.	13 bills	Letter
June 18 (Addition II)	3:00 P.M.	14 bills	Letter
June 18 (Addition III)	3:00 P.M.	16 bills	Letter
June 18 (Addition IV)	3:00 P.M.	17 bills	Letter
June 19	3:15 P.M.	7 bills	Letter
June 19 (Addition I)	3:15 P.M.	9 bills	Letter
June 20	2:30 P.M.	12 bills	Letter
June 20 (Addition I)	2:30 P.M.	13 bills	Letter
June 20 (Addition II)	2:30 P.M.	14 bills	Letter
June 20	6:00 P.M.	1 bill	Letter

House Labor

17 Meetings. 3 Meetings in Violation. 27 Total Notices.

Grades	2014	2013
Letter of the Law:	82%	88%
Spirit of the Law:	100%	100%

Meetings in Violation

27 Total Notices. 4 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 18	4:00 P.M.	1 bill	Letter
June 19	3:30 P.M.	2 bills	Letter
June 20	2:45 P.M.	3 bills	Letter
June 20 (Addition I)	2:45 P.M.	4 bills	Letter



House Municipal Government

23 Meetings. 3 Meetings in Violation. 32 Total Notices.

Grades	2014	2013
Letter of the Law:	87%	73%
Spirit of the Law:	100%	100%

Meetings in Violation

32 Total Notices. 3 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 18	3:00 P.M.	10 bills	Letter
June 19	3:45 P.M.	6 bills	Letter
June 20	2:30 P.M.	2 bills	Letter

House Oversight

7 Meetings. 0 Meetings in Violation. 12 Total Notices.

Grades	2014	2013
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

House Rules

1 Meeting. 0 Meetings in Violation. 1 Total Notices.

Grades	2014	2013
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

House Small Business

14 Meetings. 1 Meeting in Violation. 16 Total Notices.

Grades	2014	2013
Letter of the Law:	93%	100%
Spirit of the Law:	100%	100%

Meetings in Violation

16 Total Notices. 1 Letter Violation. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 18	4:00 P.M.	1 bill	Letter



House Veterans' Affairs

22 Meetings. 1 Meeting in Violation. 23 Total Notices.

Grades	2014	2013
Letter of the Law:	96%	100%
Spirit of the Law:	100%	100%

Meetings in Violation

23 Total Notices. 1 Letter Violation. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 18	4:00 P.M.	1 bill	Letter

Average Compliance for House Standing Committees

Meetings

258 Meetings. 24 Meetings in Violation. 411 Total Notices.

Grades	2014	2013
Letter of the Law:	91%	87%
Spirit of the Law:	100%	100%

Meetings in Violation

411 Meeting Notices. 41 Letter Violations. 0 Spirit Violations.



Senate Standing Committees

Senate Commerce

26 Meetings. 1 Meeting in Violation. 33 Total Notices.

Grades	2014	2013
Letter of the Law:	96%	100%
Spirit of the Law:	100%	100%

Meetings in Violation

33 Total Notices. 1 Letter Violation. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 20	5:00 P.M.	4 bills	Letter

Senate Education

18 Meetings. 1 Meeting in Violation. 30 Total Notices.

Grades	2014	2013
Letter of the Law:	95%	100%
Spirit of the Law:	100%	100%

Meetings in Violation

30 Total Notices. 1 Letter Violation. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 20	4:30 P.M.	4 bills	Letter

Senate Environment and Agriculture

22 Meetings. 0 Meetings in Violation. 37 Total Notices.

Grades	2014	2013
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%



Senate Finance

59 Meetings. 2 Meetings in Violation. 78 Total Notices.

Grades	2014	2013
Letter of the Law:	97%	98%
Spirit of the Law:	100%	100%

Meetings in Violation

78 Total Notices. 2 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 19	7:30 P.M.	8 bills	Letter
June 20	5:00 P.M.	4 bills	Letter

Senate Government Oversight

4 Meetings. 0 Meetings in Violation. 7 Total Notices.

Grades	2014	2013
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Senate Health and Human Services

31 Meetings. 1 Meeting in Violation. 45 Total Notices.

Grades	2014	2013
Letter of the Law:	97%	97%
Spirit of the Law:	100%	100%

Meetings in Violation

45 Meeting Notices. 1 Letter Violation. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 20	5:00 P.M.	10 bills	Letter

Senate Housing and Municipal Government

16 Meetings. 0 Meetings in Violation. 19 Total Notices.

Grades	2014	2013
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%



Senate Judiciary

42 Meetings. 2 Meetings in Violation. 56 Total Notices.

Grades	2014	2013
Letter of the Law:	95%	97%
Spirit of the Law:	100%	100%

Meetings in Violation

56 Meeting Notices. 2 Letter Violations. 0 Spirit Violations.

Date of Meeting	Time	Agenda	Type of Violation
June 19	7:30 P.M.	3 bill	Letter
June 20	5:00 P.M.	1 bill	Letter

Senate Labor

16 Meetings. 0 Meetings in Violation. 24 Total Notices.

Grades	2014	2013
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Senate Rules

3 Meetings. 0 Meetings in Violation. 3 Total Notices.

Grades	2014	2013
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Senate Special Legislation And Veterans Affairs

19 Meetings. 0 Meetings in Violation. 26 Total Notices.

Grades	2014	2013
Letter of the Law:	100%	95%
Spirit of the Law:	100%	100%



Average Compliance by Senate Standing Committees

256 Meetings. 7 Meetings in Violation. 358 Total Notices.

Grades	2014	2013
Letter of the Law:	97%	98%
Spirit of the Law:	100%	100%

Meetings in Violation

358 Meeting Notices. 7 Letter Violations. 0 Spirit Violations.



Joint Committees

Permanent Joint Committee On State Lottery

8 Meetings. 0 Meetings in Violation. 10 Total Notices.

Grades	2014	2013
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Average Compliance for Joint Committees

8 Meetings. 0 Meetings in Violation. 10 Total Notices

Grades	2014	2013
Letter of the Law:	100%	100%
Spirit of the Law:	100%	100%

Average Compliance for All Committees

522 Meetings. 31 Meetings in Violation. 779 Total Notices.

Grades	2014	2013
Letter of the Law:	94%	93%
Spirit of the Law:	100%	100%

Meetings in Violation

48 Letter Violations. 0 Spirit Violations.



2013 Resolution 77

House Resolution Adopting Rules of The House of Representatives for the years 2013-2014

Rules Pertaining to Committees

(12)(c) The Chair of every committee shall post, in print and electronically, at least forty-eight (48) hours prior to any committee meeting, a list by number and title of the bills and resolutions to be heard at that meeting. Such postings shall be made electronically and on the Legislative Data Bulletin Board. The electronic posting shall be considered the official date of the posting. In the event that the electronic posting system is inoperable then the official posting shall be the printed posting on the Legislative Data Bulletin Board. The Chair shall limit such listings to the number of bills or resolutions he or she reasonably expects can be taken up by the committee at that meeting. Any bill or resolution so posted which the committee is not able to take up at the stated meeting must be re-posted as stated above. Such postings shall be made electronically, and on the House bulletin board or on the Legislative Data bulletin board. Copies of all posted bills or resolutions shall be provided in print or electronically to all committee members and principal sponsors. A committee shall not hear any said bill or resolution without such notice except by the consent of a majority of its members and with at least one (1) day's notification to the principal House sponsor. The sponsor may, however, waive such one-day notification. The time requirements of this section shall not apply to House bills returned from the Senate with amendment, or, after the 50th legislative day, to any bill originating in the Senate. (*Note: The House suspended Rule 12(c) on June 7, 2014 at 5:30 P.M.)



2013 Resolution 116

Senate Resolution Adopting The Rules of The Senate

SECTION 6 PROCEEDINGS IN COMMITTEE

6.1 Time for Committee Meetings.

The president of the senate, in consultation with the chairs, shall establish regular calendar days and times for the meetings of all standing committees. The committee chair may call such other meetings as may be required to conduct the business of the committee.

6.2 Committee Agenda -- Posting.

At least forty-eight (48) hours before any standing committee meeting, a committee agenda containing the number, title and a short explanation of the bill to be considered must be placed on the bulletin boards provided for such agenda. The rule shall not apply to bills previously passed by the senate and amended by the house. There shall be at least two (2) bulletin boards for such posting, at least one (1) of which shall be for the public's use and shall be under the control of and situated at the main entrance to the state library. There shall also be at least one (1) bulletin board for the exclusive use of the senators which shall be situated in a convenient location. (*Note: The Senate suspended Rule 6.2 on June 17, 2014 at 5:00 P.M.)



Sections from the General Laws of Rhode Island, the Rules of the House of Representatives and the Rules of the Senate pertaining to public meeting notices

Rhode Island General Law 42-46-6. Notice.

(a) All public bodies shall give written notice of their regularly scheduled meetings at the beginning of each calendar year. The notice shall include the dates, times, and places of the meetings and shall be provided to members of the public upon request and to the secretary of state at the beginning of each calendar year in accordance with subsection (f).

(b) Public bodies shall give supplemental written public notice of any meeting within a minimum of forty-eight (48) hours before the date. This notice shall include the date the notice was posted, the date, time and place of the meeting, and a statement specifying the nature of the business to be discussed. Copies of the notice shall be maintained by the public body for a minimum of one year. Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. School committees may, however, add items for informational purposes only, pursuant to a request, submitted in writing, by a member of the public during the public comment session of the school committee's meetings. Said informational items may not be voted upon unless they have been posted in accordance with the provisions of this section. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.

(c) Written public notice shall include, but need not be limited to, posting a copy of the notice at the principal office of the public body holding the meeting, or if no principal office exists, at the building in which the meeting is to be held, and in at least one other prominent place within the governmental unit, and electronic filing of the notice with the secretary of state pursuant to subsection (f); however, nothing contained herein shall prevent a public body from holding an emergency meeting, upon an affirmative vote of the majority of the members of the body when the meeting is deemed necessary to address an unexpected occurrence that requires immediate action to protect the public. If an emergency meeting is called, a meeting notice and agenda shall be posted as soon as practicable and shall be electronically filed with the secretary of state pursuant to subsection (e) and, upon meeting, the public body shall state for the record and minutes why the matter must be addressed in less than forty-eight (48) hours and only discuss the issue or issues which created the need for an emergency meeting. Nothing contained herein shall be used in the circumvention of the spirit and requirements of this chapter.

(d) Nothing within this chapter shall prohibit any public body, or the members thereof, from responding to comments initiated by a member of the public during a properly noticed open forum even if the subject matter of a citizen's comments or discussions were not previously posted, provided such matters shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official. Nothing contained in this chapter requires any public body to hold an open forum session, to entertain or respond to any topic nor does it prohibit any public body from limiting comment on any topic at such an open forum session. No public body, or the members thereof, may use this section to circumvent the spirit or requirements of this chapter.



(e) A school committee may add agenda items not appearing in the published notice required by this section under the following conditions:

(1) The revised agenda is electronically filed with the secretary of state pursuant to subsection (f), and is posted on the school district's website and the two (2) public locations required by this section at least forty-eight (48) hours in advance of the meeting;

(2) The new agenda items were unexpected and could not have been added in time for newspaper publication;

(3) Upon meeting, the public body states for the record and minutes why the agenda items could not have been added in time for newspaper publication and need to be addressed at the meeting;

(4) A formal process is available to provide timely notice of the revised agenda to any person who has requested that notice, and the school district has taken reasonable steps to make the public aware of this process; and

(5) The published notice shall include a statement that any changes in the agenda will be posted on the school district's web site and the two (2) public locations required by this section and will be electronically filed with the secretary of state at least forty-eight (48) hours in advance of the meeting.

(f) All notices required by this section to be filed with the secretary of state shall be electronically transmitted to the secretary of state in accordance with rules and regulations which shall be promulgated by the secretary of state. This requirement of the electronic transmission and filing of notices with the secretary of state shall take effect one year after this subsection takes effect.

(g) If a public body fails to transmit notices in accordance with this section, then any aggrieved person may file a complaint with the attorney general in accordance with 42-46-8.

(G.L. 1956, 42-46-6; P.L. 1976, ch. 330, 2; P.L. 1981, ch. 182, 1; P.L. 1984, ch. 372, 1; P.L. 1988, ch. 659, 1; P.L. 1998, ch. 379, 1; P.L. 2001, ch. 360, 1; P.L. 2003, ch. 305, 1; P.L. 2003, ch. 362, 1; P.L. 2006, ch. 328, 1; P.L. 2006, ch. 453, 1; P.L. 2006, ch. 458, 1; P.L. 2011, ch. 151, art. 12, 1.)